



House of Representatives

File No. 1020

General Assembly

January Session, 2009

(Reprint of File No. 773)

Substitute House Bill No. 6025
As Amended by House Amendment
Schedules "A" and "B"

Approved by the Legislative Commissioner
May 30, 2009

**AN ACT CONCERNING THE PENALTY FOR ENGAGING A POLICE
OFFICER IN PURSUIT AND ASSAULTING A PUBLIC TRANSIT
EMPLOYEE.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsection (b) of section 14-223 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2009*):

4 (b) No person operating a motor vehicle, when signalled to stop by
5 an officer in a police vehicle using an audible signal device or flashing
6 or revolving lights, shall increase the speed of the motor vehicle in an
7 attempt to escape or elude such police officer. Any person who violates
8 this subsection shall be guilty of a class A misdemeanor, except that, if
9 such violation causes the death or serious physical injury, as defined in
10 section 53a-3, of another person, such person shall be guilty of a class
11 [D] C felony, and shall have such person's motor vehicle operator's
12 license suspended for one year for the first offense, except that the
13 Commissioner of Motor Vehicles may, after a hearing, as provided for
14 in subsection (k) of section 14-111, and upon a showing of compelling

15 mitigating circumstances, reinstate such person's license before the
16 expiration of such one-year period. For any subsequent offense such
17 person shall be guilty of a class [D] C felony, except that if any prior
18 offense by such person under this subsection caused, and such
19 subsequent offense causes, the death or serious physical injury, as
20 defined in section 53a-3, of another person, such person shall be guilty
21 of a class [D] C felony for which one year of the sentence imposed may
22 not be suspended or reduced by the court, and shall have such
23 person's motor vehicle operator's license suspended for not less than
24 eighteen months nor more than two years, except that said
25 commissioner may, after a hearing, as provided for in subsection (k) of
26 section 14-111, and upon a showing of compelling mitigating
27 circumstances, reinstate such person's license before such period.

28 Sec. 2. Section 53a-167c of the general statutes is repealed and the
29 following is substituted in lieu thereof (*Effective October 1, 2009*):

30 (a) A person is guilty of assault of public safety, [or] emergency
31 medical or public transit personnel when, with intent to prevent a
32 reasonably identifiable peace officer, special policeman appointed
33 under section 29-18b, Department of Motor Vehicles inspector
34 appointed under section 14-8 and certified pursuant to section 7-294d,
35 firefighter or employee of an emergency medical service organization,
36 as defined in section 53a-3, emergency room physician or nurse,
37 employee of the Department of Correction, member or employee of the
38 Board of Pardons and Paroles, probation officer, employee of the
39 Judicial Branch assigned to provide pretrial secure detention and
40 programming services to juveniles accused of the commission of a
41 delinquent act, employee of the Department of Children and Families
42 assigned to provide direct services to children and youths in the care
43 or custody of the department, employee of a municipal police
44 department assigned to provide security at the police department's
45 lockup and holding facility, [or] active individual member of a
46 volunteer canine search and rescue team, as defined in section 5-249, or
47 public transit employee from performing his or her duties, and while
48 such peace officer, special policeman, motor vehicle inspector,

49 firefighter, employee, physician, nurse, member, probation officer or
50 active individual member is acting in the performance of his or her
51 duties, (1) such person causes physical injury to such peace officer,
52 special policeman, motor vehicle inspector, firefighter, employee,
53 physician, nurse, member, probation officer or active individual
54 member, or (2) such person throws or hurls, or causes to be thrown or
55 hurled, any rock, bottle, can or other article, object or missile of any
56 kind capable of causing physical harm, damage or injury, at such peace
57 officer, special policeman, motor vehicle inspector, firefighter,
58 employee, physician, nurse, member, probation officer or active
59 individual member, or (3) such person uses or causes to be used any
60 mace, tear gas or any like or similar deleterious agent against such
61 peace officer, special policeman, motor vehicle inspector, firefighter,
62 employee, physician, nurse, member, probation officer or active
63 individual member, or (4) such person throws or hurls, or causes to be
64 thrown or hurled, any paint, dye or other like or similar staining,
65 discoloring or coloring agent or any type of offensive or noxious
66 liquid, agent or substance at such peace officer, special policeman,
67 motor vehicle inspector, firefighter, employee, physician, nurse,
68 member, probation officer or active individual member, or (5) such
69 person throws or hurls, or causes to be thrown or hurled, any bodily
70 fluid including, but not limited to, urine, feces, blood or saliva at such
71 peace officer, special policeman, motor vehicle inspector, firefighter,
72 employee, physician, nurse, member, probation officer or active
73 individual member. For the purposes of this section, "public transit
74 employee" means a person employed by the state, a political
75 subdivision of the state, a transit district formed under chapter 103a or
76 a person with whom the Commissioner of Transportation has
77 contracted in accordance with section 13b-34 to provide transportation
78 services who operates a vehicle or vessel providing public rail service,
79 ferry service or fixed route bus service or performs duties directly
80 related to the operation of such vehicle or vessel.

81 (b) Assault of public safety, [or] emergency medical or public transit
82 personnel is a class C felony. If any person who is confined in an

83 institution or facility of the Department of Correction is sentenced to a
84 term of imprisonment for assault of an employee of the Department of
85 Correction under this section, such term shall run consecutively to the
86 term for which the person was serving at the time of the assault.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	14-223(b)
Sec. 2	<i>October 1, 2009</i>	53a-167c

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Judicial Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal
Judicial Dpt (Probation); Correction, Dept.	GF - Cost	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill enhances the criminal penalty for engaging a police officer in pursuit, provided certain conditions are met. The bill also enhances the criminal penalty that may be imposed on any person guilty of assaulting a public transit employee to prevent that employee from performing his/her duties.

To the extent that these changes increase the likelihood that offenders would be prosecuted or receive harsher penalties, a potential revenue gain from criminal fines and potential cost for incarceration and/or probation supervision in the community exist. It is anticipated that relatively few fines would be imposed on an annual basis, and, consequently, any revenue gain under the bill is expected to be minimal. On average, it costs the state \$3,736 to supervise an offender on probation in the community as compared to \$44,165 to incarcerate the offender.

House Amendment "A" enhanced the criminal penalty for assaulting any public transit personnel to prevent him/her in the performance of the transit personnel's duties, which resulted in a potential cost for incarceration/probation and revenue gain from

criminal fines.

House Amendment “B” narrows the scope of the bill’s criminal enhancements to engaging a police officer in pursuit, which reduces the potential cost of incarceration/probation and potential minimal revenue gain.

The Out Years

The annualized ongoing costs identified above would continue into the future subject to inflation; the annualized ongoing revenues would remain constant since fine amounts are set by statute.

OLR Bill Analysis**sHB 6025 (as amended by House "A" and "B")******AN ACT INCREASING THE PENALTY FOR ENGAGING A POLICE OFFICER IN PURSUIT.*****SUMMARY:**

This bill increases the penalties for someone who, in order to elude a police officer, increases his or her driving speed after an officer in a police vehicle signals to stop by using an audible signal or flashing lights from a:

1. class D felony to a class C felony for a first offense that causes death or serious physical injury and
2. class D felony to a class C felony for a second offense, regardless of whether it causes physical injury.

By law, unchanged by the bill, a first offense that does not cause death or serious physical injury is a class A misdemeanor.

By law, a first offense carries a one year driver's license suspension and a subsequent offense carries a suspension of 18 months to two years. By law, a one year mandatory minimum sentence applies if the current and a prior offense caused death or serious physical injury.

The bill makes assault of public transit personnel a class C felony, the same penalty as for assault of public safety and emergency medical personnel. A person commits assault of public transit personnel by assaulting a public transit employee who is performing his or her duties, with intent to prevent the employee from performing them, by doing any of the following to the employee:

1. causing injury;

2. throwing potentially damaging objects;
3. using tear gas, Mace, or a similar agent;
4. throwing paint, dye, or any other offensive substance; or
5. throwing bodily fluid, such as feces, blood, or saliva.

The bill defines a public transit employee as someone (1) employed by the state, a political subdivision, or transit district or (2) who operates a vehicle or vessel for public rail, ferry, or fixed route bus service or duties directly related to operating the vehicle or vessel under a contract with the transportation commissioner to provide transportation services.

Under current law, assaults are punishable, depending on the conduct, by penalties ranging from a class A misdemeanor to a class A felony.

*House Amendment "A" adds the provision on public transit personnel.

*House Amendment "B" eliminates the penalty increase for a first offense of increasing speed to evade police that does not cause death or serious injury from a class A misdemeanor, the penalty under current law, to a class D felony.

EFFECTIVE DATE: October 1, 2009

BACKGROUND

Criminal Penalties

The table below shows the penalties for various classifications of crimes.

<i>Classification</i>	<i>Imprisonment and Fine</i>
Class A felony	10 to 25 years in prison, up to \$20,000 fine, or both

Class B felony	1 to 20 years in prison, up to \$15,000 fine, or both
Class C felony	1 to 10 years in prison, up to \$10,000 fine, or both
Class D felony	1 to 5 years in prison, up to \$5,000 fine, or both
Class A misdemeanor	Up to 1 year in prison, up to \$2,000 fine, or both

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 2 (04/03/2009)